

WISHA Interim Interpretive Memorandum
Washington Department of Labor and Industries
#97-2-J

STATION/WORK UNIFORMS AND OTHER CLOTHING UNDER CHAPTER 296-305 WAC

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Date Issued: February 28, 1997

Background

The revised safety and health standard for firefighters (Chapter 296-305 WAC) took effect January 1, 1997. It includes a range of requirements addressing both general hazards and hazards specific to firefighting and related activities.

WAC 296-305-02001 provides guidance regarding personal protective equipment and protecting clothing. Section (6) addresses the issue of "station/work uniforms," which are not themselves considered protective clothing but which may be worn underneath turnout clothing or other protective clothing.

WAC 296-305-02001(6)(a) requires such uniforms to meet the requirements of NFPA 1975, 1990 edition, but only if the uniforms are provided by the employer, while section (6)(b) requires such uniforms purchased after the effective date of the standard to meet its requirements. WAC 296-305-02001(6)(c) states that the uniforms "include trousers, and/or coveralls, but exclude shirts, underwear, and socks." WAC 296-305-02001(6)(d) states that firefighters "shall not wear *any clothing* that is determined to be unsafe due to poor thermal stability or poor flame resistance when engaged in or exposed to the hazards of structural fire fighting [emphasis added]." It further requires the employer to warn employees of the hazards of garments with poor thermal stability "because it is impossible to ensure that every member will respond to an incident in a station/work uniform or will change out of fabrics that have poor thermal stability or ignite easily."

The inter-relationship of the station/work uniform and other clothing requirements has generated a number of questions. This interim memorandum is written to provide guidance to WISHA Consultation and Compliance staff regarding the appropriate application of the requirements referenced above.

Policy

1. Fire departments do not need to provide station/work uniforms, and WISHA compliance staff must not cite a department for its failure to provide such uniforms.
2. Garments that are not part of the station/work uniform (for example, shirts, underwear and socks) and that are made from all or mostly cotton shall not be considered in violation of WAC 296-305-02001(6)(d), regardless of whether the employer or the employee provided the garments.

3. Garments that could be considered part of the station/work uniform but that are not provided by the employer and that are made from all or mostly cotton shall not be considered in violation of any portion of WAC 296-305-02001.
4. Employers who warn employees of the risks of wearing synthetic or mostly synthetic garments and who take reasonable steps to prohibit their use in accordance with the first sentence of WAC 296-305-02001(6)(d) must not be cited for a violation of that standard.

Note: The "reasonable steps" mentioned above will obviously vary depending upon the circumstances. For example, an employer who provides shirts as part of the uniform and who employs full-time firefighters obviously has a greater ability to ensure that they respond to calls in appropriate undergarments than does an employer who provides only the required protective clothing and relies upon volunteers dispatched from home. However, no employer can describe the wearing of clothing determined to be unsafe as a matter to be left to an individual's judgment. While an employer may conclude, as does the standard, that it is impossible to fully enforce the requirement that unsafe clothing not be worn, the employer must take those steps that are reasonably within his or her control.